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October 6, 2006

BY ELECTRONIC FILING

The Honorable Kent A. Jordan
United States District Court
844 North King Street
Wilmington, DE 19801

Re: *Biovail v. Andrx Pharmaceuticals LLC et al.*,
Civil Action Nos. 05-586 (KAJ) (Consolidated) and 06-620 (UNA)

Dear Judge Jordan:

In this patent litigation, Biovail sued Andrx based on Andrx's filing of an Abbreviated New Drug Application ("ANDA") seeking to market a generic version of Biovail's Cardizem LA® product. As we advised the Court on August 25, 2006, Biovail was awaiting the issuance of a new patent that also covers its Cardizem LA® product and anticipated filing a complaint alleging that Andrx's proposed ANDA product would infringe that patent as well.

The new patent, U.S. Patent No. 7,108,866, issued on September 19, 2006, and on October 4, 2006, Biovail filed a complaint in this District as a related action. In order to facilitate discovery and make efficient use the parties' and the Court's resources, the parties have agreed that this new action should be consolidated with the earlier action for all purposes, and also have agreed, subject to the Court's approval, to the following schedule for the proposed consolidated action:

| <u>Event</u> | <u>Current Date</u> | <u>Proposed Date</u> |
|-----------------------------|----------------------------|-----------------------------|
| Fact Discovery Cut Off | | January 15, 2007 |
| Initial Expert Reports | | February 7, 2007 |
| Rebuttal Expert Reports | | March 23, 2007 |
| Expert Deposition Deadline | October 13, 2006 | April 20, 2007 |
| Claim Construction Exchange | October 13, 2006 | April 20, 2007 |
| Dispositive Motions | October 27, 2006 | May 18, 2007 |
| Claim Construction Briefs | October 27, 2006 | May 18, 2007 |

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Accordingly, if they are acceptable, the parties jointly request that Your Honor enter the attached Order of Consolidation (Tab A), and Scheduling Order (Tab B) for the consolidated action. Counsel are, of course, available for a conference should the Court have any questions.

Respectfully,

/s/ Jack B. Blumenfeld (#1014)

Jack B. Blumenfeld

Enclosures

cc: Peter T. Dalleo, Clerk (By Hand)
Richard L. Horwitz, Esquire (By Hand and E-Mail)
Steven A. Maddox, Esquire (By E-Mail)